

Message Text

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PAGE 01 STATE 147338
ORIGIN COME-00

INFO OCT-01 EA-10 ISO-00 EB-08 STR-07 FTC-01 TRSE-00
L-03 /030 R

DRAFTED BY COM/BIE PR/OCA/JPN/DBUSINGER
APPROVED BY EA/EP:AGEBER
COM/BIEPR/OCA/JPN/CJOHNSON
COM/BIEPR/OCA/JPN/NGLICK
STR/WBARREDA
COM/ITA/AGC/SELLIS
STATE/EA/EP/DSTEBBING
EA/J:HCOCHRAN

-----018605 102048Z /61

R 092129Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: ETRD, JA

SUBJECT: TRADE FACILITATION COMMITTEE -- CORDIS DOW

REFS: (A) TOKYO 8387 (B) STATE 123512 (C) TOKYO 9317

1. EMBASSY COMMENTED IN PARA 3 OF REFTEL C THAT SUBJECT CASE WOULD BE PARTICULARLY DIFFICULT DUE TO MITI INTERVENTION IN MHW JURISDICTION AND NEED FOR PATIENCE WITH MHW GIVEN LACK OF "INTENT TO IMPEDE TRADE WITH U.S." WASHINGTON AGENCIES REMAIN OF PERSUASION THAT U.S. SHOULD MAKE EVERY EFFORT TO MOVE THIS CASE FORWARD AS QUICKLY AS POSSIBLE.

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2. WE HAD UNDERSTOOD THAT NEW EMBASSY PROCEDURE FOR HANDLING TFC CASES FALLING OUTSIDE OF MITI JURISDICTION AS OUTLINED PARA 5 OF REFTEL A WOULD AVOID PROBLEM OF MHW ATTITUDE TOWARD INTERVENTION BY MITI.

3. WE APPRECIATE EMBASSY VIEWS THAT MHW CHANGE IN FUNDING REGULATIONS WAS DUE TO ATTEMPT TO CONTROL COSTS AND NOT TO

A PROTECTIONIST SCHEME, THAT CORDIS DOW SUBMISSION SHOULD NOT BE CONSIDERED A MAJOR TEST CASE, AND THAT A LONG TIME WILL BE NEEDED TO TURN MHW AROUND ON CASE. AS INDICATED IN PARA 3(C) OF REFTEL B, WE FEEL THAT, WHETHER

OR NOT MHW INTENDED TO RESTRICT IMPORTS, ITS ACTION REPRESENTS DISCRIMINATORY TREATMENT AGAINST A PRODUCT KNOWN TO HAVE BEEN PRIMARILY SUPPLIED BY AN AMERICAN EXPORTER. IF THE FACTS ARE AS INDICATED, THE EFFECT, IF NOT THE INTENT, OF THE JAPANESE GOVERNMENT'S ACTION HAS BEEN TO RESTRICT IMPORTS SEVERELY AND IN A CLEARLY DISCRIMINATORY MANNER. UNLESS THE EMBASSY IS AWARE OF FURTHER INFORMATION ON THIS CASE THAN IS NOW IN OUR POSSESSION, WE MUST CONSIDER THIS CASE TO BE IMPORTANT AND HIGHLY APPROPRIATE FOR TIMELY TFC ACTION. THE NATURE OF THE MHW ACTION FITS THE HISTORICAL JAPANESE PATTERN OF PREVENTING FULL FOREIGN COMPETITION IN IMPORTANT SECTORS UNTIL DOMESTIC CAPABILITIES ARE IMPROVED. AS STATED IN REFTEL B, CORDIS DOW MAY BE ENTIRELY SHUT OUT OF THE JAPANESE MARKET IN THE NEXT YEAR. THIS CASE, UNLIKE ISSUES SUCH AS OPP/TBZ, DOES NOT REPRESENT A POTENTIAL PUBLIC HEALTH OR SAFETY PROBLEM THAT WOULD JUSTIFY LENGTHY STUDY. CONSEQUENTLY, WE SHOULD STRIVE FOR PROMPT RESOLUTION IF TFC IS TO BE VIEWED AS EFFECTIVE IN ASSISTING INDIVIDUAL AMERICAN EXPORTERS. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADE, COMMITTEES
Control Number: n/a
Copy: SINGLE
Draft Date: 09 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE147338
Document Source: CORE
Document Unique ID: 00
Drafter: BIE PR/OCA/JPN/DBUSINGER
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780243-0783
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780674/aaaac1zw.tel
Line Count: 86
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 04c0bf8b-c288-dd11-92da-001cc4696bcc
Office: ORIGIN COME
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 TOKYO 8387, 78 STATE 123512, 78 TOKYO 9317
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2409550
Secure: OPEN
Status: NATIVE
Subject: TRADE FACILITATION COMMITTEE -- CORDIS DOW
TAGS: ETRD, JA, US, CORDIS DOW
To: TOKYO
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/04c0bf8b-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014